

NEW JERSEY MILITIA NEWSLETTER

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GUN CONTROL AND MORE GUN CONTROL

In the Politics and Policy column in a recent *Wall Street Journal*, you'll find an article entitled "Prosecutor's Strategy Scrambles Gun Control Alliances". It recounts an assistant US attorney's efforts under the Federal government's "Project Exile" to turn mundane arrests into Federal Crimes by charging people with domestic violence and minor drug offenses. The US Attorney is one David Schiller from Richmond, VA whose "zealous pursuit of almost anyone caught violating even the most obscure federal gun law has sent 200 people to prison... 'Some people think Schiller's nuts,' says Richmond defense attorney David Boone. 'Is he overzealous? Absolutely, but he's like the Lone Ranger, he's on a mission.'"

For years, Congress has been expanding the list of federal gun laws making it relatively easy to bring charges. The latest witch hunt, Project Exile, has the support of Sarah Brady, and gun-hating, Philadelphia Mayor Ed Rendell. Not to mention NJ's own gun hater, Sen. Frank Lautenberg. So what's new and different about this? Well, Schiller has the National Rifle Association on his side. Originally (pre-Heston?) the NRA denounced Schiller as an "Antigun zealot of the Clinton-Reno Empire." A pretty fair assessment I would think. However, the NRA has spent more than \$25,000 promoting the program. Your bucks, my NRA friends!

In June, NRA President Charlton Heston joined Mayor Rendell to seek Project Exile money for Philadelphia. Thus many law abiding gun owners are going to be severely hassled by the Feds in Philadelphia for owning a gun in a domestic violence incident. Whatever happened to the part of the Second Amendment that says "Shall not be infringed"? If this is not an infringement what is? Looks like Ole Charlton is going to leave us "Armed with Pride" and not much else. An even more sinister aspect is that the police who have had Domestic Violence charges filed against them and would have lost their privileges to carry a gun, have now been spared. So once again the cops win and the rest

Amendment's equal protection under the law.

In case you think that mine is the only opinion opposed to this draconian rampage by out of control prosecutors let me close by giving you the opinion of Richmond police chief, Jerry Oliver: *"There's got to be solutions other than Exile. As an African-American male, I'm dismayed at what we have to do to maintain safety."*

This is a hard thing to oppose because it may prevent some gun violence, but Schiller is out of control in his hatred of guns and their owners. It is a given that we can stop crime by taking everything away from the people, but do we really want to trade our freedoms for this kind of so-called security? I say so-called because you trade one bully (the criminal) for another (the Policeman). Those who honestly believe that policemen can't or won't be bullies are ignoring history and human nature.

In closing I think we should contact the NRA and express our opposition to the use of our dues for programs that will eventually be expanded to take all guns, since in the minds of the anti-gunners, the gun itself is the real culprit. It seems our Moses, Mr. Heston, is leading us into the desert for forty years.

—Note: Writer unknown

OUR CASTE LEGAL SYSTEM: HOW TO FIX IT

By Mike Brown

There are two classes of citizens in the United States, the aristocracy and the peasantry. Most people think of the aristocrats as the rich and peasants as the poor. But that is not so.

People from other countries look at our system of government with more understanding than we do. As early as 1838 DeTocqueville, in his book *Democracy in America*, recognized that the aristocracy of the United States is found in the judges' bench and the lawyers' bar. O.J. Simpson was rich. He's still a peasant. Judge Clarence Thomas is not rich. He's still a member of the aristocracy.

In 1955 Nancy Milford in her book, *Noblesse Oblige*, pointed out that a republic

of us lose. So much for the Fourteenth

with an aristocracy is like a chicken with its head cut off: it may run about in a lively way, but in reality it's dead.

In 1839 you didn't have to have a law degree to be a judge. John Marshall, now known as the "Great Chief Justice," simply attended a series of law lectures for six weeks. Many of his opinions are still considered "the law" today.

The American Bar Association was formed in Saratoga Springs, New York in 1878. It's been downhill ever since.

Today almost all judges, with the exception of a few pawns running "town courts" and the like, have law degrees and are members of one Bar Association or another. If you want someone to represent you in court, you must hire a member of this "legal monopoly." If you want to file a criminal complaint against someone, you must go to another member of this monopoly, the prosecutor.

The idea that only lawyers with Bar cards are qualified to represent other people in court is not only ridiculous, it is unconstitutional and downright dangerous.

First, consider how the aristocracy (the legal profession) views "we the peasants." To use an analogy, what would you call a nation that allowed only the police to own weapons? You would call it a police state.

Now what do you call a nation that allows only lawyers to practice or determine the law? You would refer to it as a "judicial tyranny." Which is precisely what we have.

Second, let me point to the absurdity of only judges determining the law. The fact is that any group of elected representatives can determine (enact) a law, whether they have law degrees, Bar cards, or a tenth-grade public school education. Can you think of anything more asinine than non-elected judges—normally dinosaurs left over from a previous administration (appointed by the executive branch)—telling the people who enacted the laws what those laws mean? In Great Britain, from which we inherited our legal system, Parliament never put up with such nonsense. See Pluckett, *Concise History of the Common Law* (1956).

Third, "assistance of counsel" guaranteed in the Constitution's Sixth Amendment did not

mean a lawyer in 1791, the year the amendment was ratified.

Equating lawyers with counsel would sever the concept of counsel from his historic roots. The first lawyers were personal friends of the litigant, brought to the court by him so that he might "take 'counsel' with them" before pleading (F. Pollock & F. Maitland, *The History of English Law* 211, (2d ed., 1909)). Similarly, the first "attorneys" were personal agents, often lacking any professional training, who were appointed by litigants who had secured royal permission to carry on their affairs through a representative, rather than personally (*Id.*, at 212-213. See also *Faretta v. California*, 95 S. Ct. 2525 note 16 (1975)).

Nor does anyone have the authority to change the meaning of the Constitution by interpretation.

The Constitution is a written instrument, and, as such, its meaning does not change (*South Carolina v. United States*, 26 S.Ct. 110 (1905)).

Nor can it be amended other than by referendum. Congress, cannot, by mere legislation, amend the Constitution (*Meyer v. United States* 47 S.Ct. 21 (1926)).

A lot of people think having a lawyer in a criminal case is a "good thing." Nothing could be further from the truth. You cannot use someone who is *part* of the system to *fight* the system. He has to go into court and feed at the same trough the next week. You, on the other hand, could care less if you win the undying enmity of the judge if you win.

Almost everyone who has been through the judicial meat grinder in this country comes out the other end with the bitter taste of judicial arrogance, lawyer incompetence, and a "guilty plea" or tainted verdict in his mouth.

Ironically, the tide is beginning to turn, without lawyers, in criminal cases. I can refer you to more than one case in which a pro se defendant, without a lawyer, went to trial and won. It isn't difficult. Those who doubt me can start with *United States v. Bauer* 95-1839, Southern District of California. Bauer raised a Confrontation Clause issue based on the Sixth Amendment that the lawyers for the other 13 defendants were afraid to. Bauer won; he went home. All the snitches and rats in the case are still doing time.

In the meantime, what can you do?

Get everyone you know to register to vote.

Every time a judge comes up for retention vote him out. He's a lawyer.

Don't vote for lawyers at any level of government.

Help root out Bar-carrying, lawyers at every level of government. And you thought card-carrying Communists were bad. Help the Antilawyer Party get on the ballot in your State. Visit our web site at: <http://www.antilawyer.org>.

You may think my article the bitter ravings of just another victim of the legal system. Perhaps. Let me point out that those of us who despise lawyers are in stellar company:

And he said, Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers. Luke 11:45

Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered. Luke 11:52

Note: If you'd like to read other articles by Mike Brown, go to <http://home.earthlink.net/~dlaw70/>.

IRA SURVIVABILITY

In our August, 1998 issue we printed an article titled "A Lesson To Be Learned" which spoke about the Irish Republican Army's ability to survive British surveillance for decades. But we didn't know exactly what tactics or skills were used. Knowing that the Militia Movement here in the US might benefit from the experience the IRA has accumulated over the years, we posted the following question on an IRA web page:

"If the U.S. Government went after militia groups in America the way the British government goes after the IRA, they'd be overwhelmed. But the IRA manages to survive. What are the "Ten Commandments" of survivability, if there are any, that the IRA uses? The IRA has turned survival into an art form."

Note: We received the following response, but we must add that we do not advocate *all* of the tactics listed below. Nor do we concur when the author likens militias to terrorist, insurgent, criminal, pseudo-Christian, Islamic, right wing, gun-loving, conspiratorialist, racist, Aryan, KKK and skinhead groups. --Ed:

The subject of survival of a terrorist or insurgent group is a science now, and one of the biggest assets to survivability is having a nation that is strong in freedoms which both the United States and the United Kingdoms are. But before I bring these points up I'll explain how most groups are organized and how they work. It is a masterpiece of survivability.

Most groups organize themselves into what is called a cell structure. Each cell consists of a few members (3-10 is average) and each cell is placed in a pyramid of levels, getting larger as the organization progresses. In each cell only one person knows who their contact is above them and each contact below them. This sort of organization makes it hard for one person or one cell to expose the entire organization. I'll give a quick diagram:

Command Cell (5 members)

Each member controls one aspect for the organization, such as a recruitment cell, political action cell, a few combat cells, a propaganda cell, and a cell for gaining resources (usually through bank robbery, drug trafficking, extortion, or from foreign nations). These cells usually control other cells under them, and only one of the members knows who is in the cell below him. This continues to the very bottom with the least trusted and least experienced members on the lowest tiers. This also helps prevent infiltration by police or intelligence agencies. Communication can also be performed by blind drops (such as a telephone call that may sound like a wrong number but has a secret meaning in the phrasing or in the name asked for, or graffiti on a bathroom stall - the options are near limitless.) In such a setup, no one in lower cells know who is controlling them, and can't expose them.

The next thing that helped the IRA survive are the freedoms that we in the U.S. have taken for granted; these rights are basically the same in England. Here the police can't just arrest someone without probable cause, nor tap phones without a court order. Freedom of speech helps in recruitment, and people just can't just disappear without a trace because of government trespassing.

The IRA's support and ability to replace personnel has always been an asset, but this is true in any nation. In the United States I guarantee that I could find at least 1% of the population that hates the government (or whoever I wanted removed) enough to kill or bomb for it. So the few members of all the groups in N.Ireland is typical of that group of people—only 500 members, before the real IRA split, in a population of 1.1 million; if you include the members of the Protestant groups, around 300-600, there are still a lot of recruits for all the groups that exist. And the IRA has only lost around 5000 people to capture or death in about 30 years. Still a lot of wanna be killers in the nation have not even been touched.

Could the U.S. get rid of a very hard-core terrorist group inside our borders? It would be very difficult, but now that the Army of God (Christian) has announced a step-up of anti-abortion violence, and the Party of God (Islamic) has a good foothold here and a number of Islamic nations want to hurt the U.S. I guess that will be found out. And I didn't even mention the Militias (MMI, MOM, and a bunch of other right-wing gun loving conspiracy buffs) and the racist organizations (The Church of the Creator, The White Aryan Resistance and other KKK and skinhead organizations).

It's gonna be a fun millennium!

"A multitude of laws in a country is like a multitude of physicians, a sign of weakness and malady"

--Voltaire

TRAFICANT SPEAKS

Mr. Speaker, the World Bank makes loans to communists with American dollars. The World Trade Organization regularly rips us off. The United Nations sends American troops into war. We are not sending in the Peace Corps here, folks.

If that is not enough to compromise your Viagra, the United Nations has created a World Court with universal authority and jurisdiction. Unbelievable. What's next, a world tax? Beam me up.

I say the Constitution of the United States should not be surrendered to a bunch of international bureaucrats who regularly rule against us, ladies and gentlemen.

Now, I do not know about you, but I did not pledge an oath to the Charter of the United Nations. I pledged an oath to the Constitution of the United States and I think the Congress of the United States should put its foot down before we become known as background music in some doctor's office. I yield back any courage we have left.

And:

Mr. Speaker, if Joe Q. Citizen lied in a civil trial, he would be sued for every penny. If Joe Q. Citizen lied to a Grand Jury, he would go to jail. Lying is perjury. Perjury is a crime.

Now, having said that, what is going on here, Mr. Speaker? Does America now have two legal systems, one for you, one for me, one for she, one for generals, one for soldiers, one for presidents, one for residents?

Let us tell it like it is. Joe Q. Citizen cannot apologize, Joe Q. Citizen is not censured, Joe Q. Citizen is prosecuted. And let me warn Congress: An America with two legal standards is an America with no legal standards.

Mr. Speaker, I yield back the balance of the lives of all the soldiers that gave their lives to preserve our freedom.

THE WAY IT USED TO BE

Before John Dewey (The "Father of Progressive Education"), Humanists and Liberals took over our educational system, patriotism was looked upon in a different light. Here's an excerpt from a New York public school textbook on Patriotism published back in 1900:

It may seem strange to call the boys and girls of the Empire State to celebrate the sword--the instrument by which, in days gone by, in our own land, thousands have been slain. For the Sword here stands for muskets, bayonets, guns--small and great--and every sort of weapon by which brave men have lost their lives in battle. In other words, it stands for War, with all its cruelties and horrors. And yet, there come times in the history of every people when they must draw the sword, or perish. Bad as war always is, slavery is worse, the loss of freedom is worse. That is why the American colonist, armed with old-fashioned flint-lock muskets,

stood so bravely against the attacks of the British redcoats; that is why

"The farmers gave them ball for ball. From behind each fence and barnyard wall."

Yes, and more than that: At first the colonists were anxious merely to secure such rights as they thought were fairly theirs under the British government; but soon and fast grew the wish of Independence--the gift of God to all men. Now, was it not worthwhile to fight in such a cause and to gain a priceless thing? Let other examples be recalled, and let us not be afraid to rejoice over all true victories won by the Sword.

--Rediscovered by June Griffin

PETTIFOGGER OF THE YEAR AWARD

A Pettifogger is someone who "engages in legal trickery, argues about unimportant details," particularly "a petty, quibbling, unscrupulous lawyer," according to the dictionary. President Clinton expounded on "unimportant details" with great clarity of mind before the Grand Jury, but couldn't remember much on the important issues.

After listening to Clinton's "legal definition" of sex with Monica Lewinsky before Starr's Grand Jury, we are forced to concede that Clinton wins the Pettifogger of the Year Award. Clinton's skill in the art of pettifoggery is truly remarkable. As one viewer of *The O'Reilly Factor* on the Fox News Network quipped: "Damn it! All these years I thought I was having great sex only to find out I wasn't having sex at all!"

Clinton's lack of memory, if real, borders on Alzheimer's. Here's a breakdown of his answers before Starr's Grand Jury:

"I don't remember" (54 times)
"I don't recall" (15 times)
"I didn't remember" (8 times)
"I have no recollection" (4 times)
"I just don't remember" (4 times)
"I couldn't remember" (3 times)
"I don't have any memory" (3 times)
"I've tried to remember" (2 times)
"I don't necessarily remember" (2 times)
"I have no specific memory" (2 times)
"I honestly don't remember" (2 times)
"I don't have an independent memory" (1 time)
"I certainly don't remember" (1 time)
"My memory is not clear" (1 time)
"I may have been confused in my memory" (1 time)
"I just don't recall" (1 time)
"I don't have the memory that you assume that I should" (1 time)
"I literally don't remember" (1 time)
"I can't possibly remember" (1 time)
"I honestly tried to remember" (1 time)
Note: You'd have to go to a rest home to get similar responses as these.

The Quote of the Year goes to Rep. Dick Arme. When asked if he would resign if he were in President Clinton's place, he said: "If I were in the President's place I would not get a chance to resign. I would be lying in a pool of my own blood hearing Mrs. Arme standing over me saying, 'How do I reload this damn thing?'"

LIGHT AT THE END OF THE TUNNEL?

There's one thing that liberals fear more than all the Militia and Patriot groups put together, and that one thing is the Militia and Patriot ideology that is seeping into the American mainstream and receiving wide acceptance. The Sarah Bradys, the Chuck Schumers and the Morris Deeses of our country have no defense against it nor can legislation stop it. And the ideology is making inroads.

The similarities between the Texas GOP's platform and the views of various militia and patriot groups around the country are strikingly similar. Here are a few excerpts (http://www.texasgop.org/platform_98):

Complete Elimination of Executive Orders

"The Party demands the elimination of Presidential authority to issue executive orders and other administrative mandates that do not have Congressional approval. Further, that there be a repeal of all previous executive orders and administrative mandates."

A Return to the Gold Standard

"The Party calls for the United States monetary system to be returned to the gold standard. Since the Federal Reserve System is a private corporation, has no reserves, and is not subject to taxation or audit, we call on Congress to abolish this institution and reassume its authority, enumerated by Article I, Section 8 of the U.S. Constitution, for coinage of money."

State of Declared Federal Emergency

"The condition of a permanent state of national emergency is incompatible with the U.S. Constitution. This perpetual state of national emergency allows unrestricted growth of government. The Party charges the President to cancel the state of emergency and charges Congress to repeal the War Powers Act and to declare an end to the previously declared state of emergency."

Law Enforcement

"According to Article I, Section 8 of the U.S. Constitution, federal law enforcement powers have criminal jurisdiction limited to the high seas, federal installations, and counterfeiting operations. The Party believes that most crime is local and that the states, according to the Tenth Amendment, reserve law enforcement authority."

Implementing this policy would effectively eliminate the Bureau of Alcohol, Tobacco and Firearms, which we would applaud. Many citizens have become concerned about the expansion of federal law enforcement authority and use of military personnel and equipment against its citizens. The civil rights of American citizens must be respected.

Limited Federal Powers

"The party urges the reestablishment of states' rights guaranteed by the Tenth Amendment to the U.S. Constitution, which reserves to the states powers not specifically delegated to the federal government. We further support the abolition of federal agencies involved in activities not constitutionally delegated to the federal government."

Judicial Restraint

"The Party further adopts the principle of judicial restraint, which require that judges interpret and apply rather than make law. We encourage the support of judges who adopt this philosophy since our government is one of law, not of men."

Federal Judiciary Reform

"Federal judges have usurped their authority under the U.S. Constitution in violation of the Tenth Amendment and interfered with the state's criminal jurisdiction. We call on the House of Representatives and the Senate to exercise their constitutional authority to impeach federal judges who abuse their authority."

There's more, but you get the picture. Considering the socialistic form of government we have in Washington this platform from the GOP in Texas is phenomenal. Now imagine if it begins to spread. And after you read the following article you'll understand why it's important that this platform spread to other states.

BARR EXPOSES DEPARTMENT OF JUSTICE POWER GRAB

From Rep. Bob Barr's web page:
www.house.gov/barr/p_doj.html

Washington, DC--U.S. Representative Bob Barr has released information exposing an effort of the Department of Justice to obtain massive new enforcement powers in the closing days of the 105th Congress.

Barr obtained the information from a confidential source within federal law enforcement. The Department's "wish list" for additional power includes:

- *A vastly expanded definition of terrorism to include crimes having no relation to terrorism.

- *The power to seize commercial transportation assets for federal use.

- *The ability to commandeer personnel from other federal agencies without reimbursement.

- *Expanded wiretap authority to allow "roving" wiretaps, and wiretaps without court authority.

- *Enlarged asset forfeiture provisions to allow the FBI to seize personal property in both criminal and civil matters.

- *The establishment of a permanent "FBI Police Force."

- *Loosening of Posse Comitatus restrictions to allow more military involvement in domestic law enforcement.

- *Authority to force telephone and Internet companies to divulge information on their customers.

Rep. Barr stated: *"These requests belong in some bizarre conspiracy novel, not in serious legislative documents being circulated at the top levels of federal law enforcement. These proposals represent a sneak attack on the most cherished principles of our democracy. If they become part of our law, freedom and privacy in America will be permanently and severely diminished."*

Notice the contrast between the Texas GOP's platform and Barr's report? We've noticed this in the course of gathering information for this newsletter. One group calls for a return to a true constitutional form of government and at the same time another calls for more draconian anti-constitutional legislation. This is an example of "a house divided," which is good for us because a house divided "can not stand." The country seems to be entering into a state of flux, as different groups push in totally different directions. That's good. That's very good, because it indicates that we're making inroads into the political scene. And those inroads are what the liberals fear more than all the AK-47s and AR-15s combined. But this is not a battle of bullets but of ideas. The platform of the Texas GOP could have been written by any militia group in America. This fact should encourage us all.

HOLLYWOOD JOINS THE UN GUN-GRAB

Actor Michael Douglas was recently chosen as the United Nation's Messenger of Peace. He is now supporting a UN-sponsored move to rid the earth of "the global proliferation of small arms [except those in the hands of UN troops]," according to an AP article of Sept. 25, 1998.

"The sad fact is that while the major armies of the world are disarming, civilians are rearming," Douglas said at a day long seminar at the UN. *"If these weapons are not properly controlled, peace will become obsolete and so will humanity."*

Douglas went on to say, *"I hope we can work together to turn our weapons of death and destruction into plowshares that can provide food where there is famine, and peace where there is strife."*

Sounds as if Douglas is referring to Isaiah 2:4, which reads:

"And he shall judge among the nations, and shall rebuke many people: and they shall beat their swords into plowshares, and their spears into pruning hooks..."

The "He" in the above verse is not Michael Douglas and it's doubtful that The Almighty needs any help from Hollywood ("Babylon West") to fulfill His prophecies.

Canadian Foreign Minister Lloyd Axworthy said, *"There is a momentum under way. This is part of the new humanitarian social agenda."* Is that spelled N-e-w W-o-r-l-d O-r-d-e-r?

GUN RIGHTS UP NORTH FLY SOUTH

"Alberta's highest court ruled Tuesday [Sept. 29] that the government has the right to enact gun control legislation, rebuffing a challenge by four provinces which argued it infringed on their powers," reported the AP.

The ruling requires the estimated 3 million Canadian gun owners to register their firearms. (No prohibition against *ex post facto* laws in Canada?) The ruling also requires gun owners to pass a screening and licensing program. The law will go into effect December 1. Watch for an increase in pvc pipe sales as happened in Australia after their government passed gun-grabbing legislation.

"SEEN ANY LIBERALS LATELY?"

So reads the caption of a political campaign ad by Tim Brooks who's running for the Maryland House of Delegates. What has liberals so upset is the photograph above the quote: Brooks is featured wearing a revolver on his hip, a shotgun in one hand and a coiled rope in the other.

Needless to say the ad has drawn many complaints from liberals--but not from gun owners. Brooks said his critics need to lighten up. We hope he wins.

Principled Attorney Wins One

Note: there are some 60,000 lawyers in New Jersey, of whom only a handful are fighting for justice. In our opinion Elizabeth Macron ranks high amongst that tiny minority. Her victory for freedom is recounted in this story adapted from a July 16, 1998, Philadelphia *Inquirer* report by Tom Avril:

Why does "law enforcement" love the civil asset forfeiture law? Is it because they keep the loot for themselves?

Just as they did here in the Jerseys in the 17th century so they do today. With one important difference. Our forebears insisted on a jury trial. But the forfeiture law spawned by the "war on drugs" denied us that right--until it

was won back by Lois McDermott and Elizabeth Macron.

In 1995 Monmouth County prosecutor John Kaye seized McDermott's 1990 Honda after arresting her son on drug charges. She was aware of her son's criminal record and tried in vain to prevent him from using her car. (For three years now the police have held her car. McDermott, a widow in ill health, has relied on her daughter to drive her around.)

Outraged by this injustice, McDermott asked the local Libertarian party to recommend an attorney, and she got one with a love of history.

Macron pored over old law books in the Rutgers University special collection, but came across the relevant Alexander Hamilton citation one night while reading the *Federalist Papers* at home.

"Generally, if English common law provided Englishmen with a right to a trial by jury, New Jersey common law provided a comparable right to the people of this state," she convinced the court.

"Whatever it was that you got a jury trial for at the time they adopted that language, that right remains inviolate and can't be changed," said Robert F. Williams, an expert on the state constitution and a law professor at Rutgers-Camden.

Forfeiture cases were entitled to jury trials in colonial times, except those involving petty offenses such as violations of the fish and game laws. Macron cited a 1685 case in which a British customs official seized the sloop Dolphin in Elizabethtown, now Elizabeth, on the grounds that it violated the Navigation Acts because only one crewman was English. The Dolphin's owner fought for a jury trial. Based on that case, and others, the New Jersey Supreme Court ruled that the Honda's owner, McDermott, should get one as well.

"Automobiles are no less innocent in modern society than sailing ships were in colonial times," the court wrote. "New Jersey colonists insisted on jury trials for the forfeiture of ships and their contents. Automobile owners are entitled to the same protection today."

Attorney General Peter Verniero criticized the decision, saying it would hamper efforts to deter criminals. He said he might file a motion asking the court to reconsider. [Note: Verniero did file a motion, but the court rejected it.]

"Civil forfeiture is a vitally important tool for the law enforcement community in its ongoing war against illicit drugs," Verniero said in a statement. "This decision will complicate and may hurt our overall efforts."

As to the Monmouth County prosecutor, should McDermott prevail at trial, it might be fitting if he receives a sanction similar to what William Dyre, the customs official, received in 1685. The Dolphin's owner won the case, and the jury ordered Dyre to pay a fine. When he

refused the court then seized his horse and imprisoned him, requiring him to pay an additional 3 pounds before his release.

CHANGES IN THE PINELANDS COMMISSION

"In a shake-up jarring to conservationists, Gov. Whitman has dropped a longtime preservationist from the 15-member Pinelands Commission and added two new faces, a farmer and a high school teacher, to the land use agency," reports Tom Johnson of the Newark Star-Ledger.

For the benefit of our readers who live outside N.J. and may have no idea what the Pinelands Commission is because no other state has anything like it, we'll clarify: The Pinelands Commission is made up of 15 people appointed by the Governor, county Freeholders and Secretary of the Interior (not elected by 'we the people'). They rule over 7 counties in southern N.J. with Tzar-like control. If you want to build, subdivide, drain a ditch, or anything along these lines you first must receive permission from "Der Commission." They rarely grant permission and their rulings (or lack thereof) have rendered property virtually useless or worthless.

In the past the Commission has been dominated by nature nazis and dirt worshippers. What has shaken the Commission is the decision not to re-appoint Tom Darlington, who is described as "...the most courageous proponent of Pinelands preservation." (Good bye, Tom, and don't let the door hit you on the ass on your way out.)

If Whitman appoints people who are less enthusiastic about frogs, bugs or any other creepy-crawly thing that may be living out there it could weaken the Commission's dictatorial control over property owners.

The N.J. Militia, one of the co-founders of the N.J. Committee of Safety, which is active in the Pinelands, seeks to totally disband the Commission and thereby restore to property owners the freedom that has been denied them. Currently, most Commissioners violate Article I, Section I of the New Jersey State Constitution, which reads; *"All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness."*

Tell that to the 700,000 N.J. citizens who live under the control of the Commission. A class action law suit should be filed in federal court against the Commission and its parent, the Department of Environmental Protection.

"Militia Fireman" Files Suit

by John Paff

Libertarian Party member Robert Figueroa, a 1996 candidate for Congress, has filed suit in Federal court against Trenton Municipal Court Judge Audrey P. Blackburn. Figueroa, dubbed the "militia fireman" by the Trenton Times for his activism, claims that Blackburn violated his civil rights by holding him in contempt of court on July 8, 1996, and jailing him for 14 days.

Figueroa appeared before Blackburn on charges filed by two Mercer County Superior Court judges who alleged that he sent them "harassing" correspondence. When he attempted to advise Blackburn that the municipal court had no jurisdiction over matters brought by Superior Court judges, Blackburn cut him off mid-sentence and said, "Officer, just arrest that man." Figueroa immediately was sent to the Mercer County Workhouse where he spent the next 14 days.

Figueroa's attorney, Elizabeth Macron, stated that her client was merely trying to inform Blackburn of an administrative directive issued by the late Supreme Court Chief Justice Robert Wilentz requiring that any matter in which a judge brings a criminal complaint against a citizen be handled by the Assignment Judge of the vicinage, not the municipal court.

Macron also noted that Blackburn "willfully refused" to hold a hearing on Figueroa's alleged contempt, and that the judge violated court rules by refusing to stay the sentence for five days to give him a chance to appeal the contempt conviction.

Janice Presser, Ph.D., chair of the New Jersey Libertarian Party, noted that the contempt charge was overturned on appeal and that the Superior Court judges dropped the harassment charges. "Basically, they held Bob in jail for 14 days for nothing. Blackburn never even held a hearing on the alleged contempt charges. She just said 'arrest him' and off he went. Apparently this is what passes for justice in the Trenton Municipal Court."

Note: though judges are generally immune from lawsuits, such a flagrant instance of lawless power may "shock the conscience" of the Federal judiciary to a degree sufficient to provide Figueroa redress. Just as we drove the Hessian minions from Trenton in 1776 so this suit may have the same effect on at least one of their tyrannical heirs.

ATF AGENTS IN TROUBLE

"Two ATF agents face criminal charges stemming from a raid where one of the agents allegedly kicked a suspect in the head and both tried to cover it up," reported The Detroit News September 30, 1998.

The two agents, Regan J. Scott and Joel J. Kirkpatrick lied to the FBI and ATF agents about the raid, the kicking incident and

participation in the raid (which took place back in Oct. 9, 1996). They claimed that they went to the house of Arthur Norris 15 or 20 minutes after Detroit police started the raid. The police said they didn't know why they were raiding Norris' house. It seems that they were following agents Scott and Kirkpatrick, who were ordered by ATF officials not to arrest Norris, who was at the time only under surveillance.

The grand jury indictment states that Scott's attack against Norris, who was injured by the head-kick, was totally unprovoked. Both agents have been placed on administrative leave.

NEW MONEY GRABBING LEGISLATION

"Your government wants the power to label you a criminal and seize all your money with no proof that you've committed a crime," said Steve Dasbach of the Libertarian Party.

Dasbach is referring to the **Drug Currency Forfeiture Act**, sponsored by Sen. Max Cleland (D-GA) and Charles Grassley (R-IA). Despite claims that it will *"...hit drug dealers where it hurts the most: in the wallet,"* Dasbach cautioned, *"Tourists and business travelers, take note: You may soon have to fear being mugged by your own government."*

The bill, if passed, will not discriminate between drug dealers and law-abiding citizens, just like the RICO law.

The press release stated, "The bill allows police to seize cash from any American traveling through a drug transit area--defined as an airport, highway, or port of entry--and would force citizens to go to court to try to get their money back.

"Accusations without proof? Punishment without trials? Welcome to America in 1998. With this bill, two U.S. Senators want to gut the Constitution--and strip away fundamental rights like the presumption of innocence and the right to carry money without having to explain your actions to the government."

"What the Drug Currency Forfeiture Act really shows is that once again, the War on Drugs has become an all-purpose excuse for a War on Your Rights, such as the right to a fair trial and the right to get on an airplane or drive down a highway without having to explain yourself to a policeman. If Americans don't put a stop to this, the politicians will not only steal all your money--they will steal all our Constitutional rights," said Dasbach.

Note: The bill in question is S. 2449, designed "To amend the Controlled Substance Act relating to the forfeiture of currency in connection with illegal drug offenses, and for other purposes" ("...for other purposes," watch out for that one, it covers just about everything. No doubt the courts will over turn it "for vagueness").

Dasbach complained bitterly about the bill's "REBUTTABLE PRESUMPTION" with good reason, it reads:

"(2) PRESUMPTION: In any action with respect to the forfeiture of property described in subsection (a)(6) of this section, or section 981(a)(1)(B) of title 18, USC, there is rebuttable presumption that the property is subject to forfeiture, if the Government offers a reasonable basis to believe, based on any circumstance described in subparagraph (A), (B), (C), or (D) of paragraph (3) that there is a substantial connection between the property and a drug trafficking offense."

[Now here's where it gets interesting].

(3) CIRCUMSTANCES: The circumstances describes in this are that--

(A) the property at issue is currency in excess of \$10,000 that was, at the time of seizure, being transported through an airport, on a highway, or port-of-entry, and,

(i) the property was packaged or concealed in a highly unusual manner.

What's the "usual" manner of carrying \$10,000 in cash other than concealed?

SMITH OPPOSES FBI PLANS

As most of us already know, as of November 30, all firearms purchases will be subject to FBI scrutiny and registration. One Senator is fighting this assault on the Second Amendment, Senator Smith of New Hampshire. In a personal letter to one patriot, he wrote:

"Thank you for contacting me regarding the FBI's misguided plan to register and tax law-abiding gun owners, as well as the threat that a pending Senate bill poses to gun owners. I agree with you completely. Let me tell you what I have been doing on these vitally important matters.

You will be pleased to know that on July 21 the Senate passed, by an overwhelming vote of 69-31, my amendment to eliminate the FBI's plan!

The Smith Amendment, if enacted, will prevent the FBI from keeping files on

law-abiding gun owners once they are cleared by the National Criminal Background Check system.

THIEVES WEARING BADGES

"A federal court in Cincinnati was asked [Oct. 6] to order Cincinnati police to stop seizing money from people during routine stops on the street," reported *The Cincinnati Post*.

The suit, filed by civil rights attorney Scott Greenwood, charged that the money-grab by police was unconstitutional. We're not talking about the usual \$10,000 or more pinched at airports and Port of Entries by our public servants, we're talking about *\$200-plus!*, which, according to Cincinnati police mentality, deserves an explanation as to where the "criminal" got all that money! If the explanation is not satisfactory the officer takes the money without giving the "criminal" a receipt.

"Assistant City Solicitor Karl Kadon said the practice is legitimate and that those whose money is confiscated can appear in court to get their money back." One can only guess when he last read the Constitution.

The problem here is that when the "criminal" appears in court to reclaim his money what he says was taken and what the sticky-fingered police say was taken doesn't always add up--sometimes to the tune of several hundred dollars.

Crime in Merry England

British crime rates for most serious crimes are higher than in the US. The US assault rate was 8.8/1,000 in 1995, but the English-Welsh rate was 20.1/1,000. The robbery rate is 1.4 times higher in Britain than in the US and the burglary rate is nearly double in Britain. Rates for car theft are also higher in England and Wales. Murder and rape rates are higher in the US, but the gap is narrowing.

"Britain may have tougher gun laws, the study said, but the US had longer prison sentences."

"Common sense says America is the most crime-ridden country on earth, while Britain is an oasis of peace and tranquillity," the London *Sunday Times* said in an editorial. "Common sense is wrong. We urgently need to re-examine our cozy assumptions about law and order."

Reuters, as reported in the *NY Times* 10/12/98.

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Global Governance

Does the United Nations Have a Plan for You?

By the New Jersey Committee of Safety

How would you like to be ruled by the likes of the World Bank and the Council on Foreign Relations? No? Well how about those two plus the British Commonwealth, the MacArthur Foundation and the Earth Council? Hmm, that's more like it, right?

No matter what Americans may think (and we were never consulted) 28 United Nations commissioners associated with those organizations and others--including the Socialist Party of Catalonia and the Swedish government --have issued a call for "global governance", a system of worldwide rule under the aegis of the UN. (*Our Global Neighborhood*, Oxford University Press)

Warning! The term "global governance" might cause drowsiness. So unless you like blue berets, prop open those eyelids and read on.

The UN commissioners are pushing for global taxation, a UN standing army, UN control of the "global commons", a more powerful Secretary General, binding rulings of the International Court of Justice and an end to the United States' veto. And that's just for starters. They also seek a "Petitions Council", an "Economic Security Council", a Court of Criminal Justice and an exclusive parliamentary body of so-called "civil society". Their recommendations, they hope, will be endorsed by the forthcoming UN World Conference on Global Governance and ratified by the US Senate by the year 2000.

The UN's "Core Values"

Global governance, the commissioners believe, should be based on a set of "core values" consisting of "respect for life, liberty, justice and equity, mutual respect, caring and integrity." All nice sounding terms, but what do they mean?

"Respect for life" is the view that mankind, being no better than plant or animal life, is theoretically their equal. In practice, however, mankind must yield to the bog turtle, Torrey's mountain mint and other lifeforms as dictated by the UN.

"Liberty" is akin to feudal bondage. "The impulse to possess turf is a powerful one for all species; yet it is one that people must overcome," the commissioners declare. Liberty therefore frees the UN to control the land while "global rules of custom constrain the freedom of sovereign states [and individuals]."

"Justice and equity" signify the planned transfer of wealth and technology from the industrialized nations to the Third World.

"Mutual respect" is compulsory multiculturalism directed particularly at those bold enough to assert their "particular identities...against globalization and homogenization...Their common stamp is intolerance [which the UN will not tolerate]."

"Caring" is the method by which justice and equity will be achieved, i.e. by "policies and mechanisms...to help those less privileged or needing care and support."

"Integrity" means "without corruption"; as the UN applies its core values throughout the world "integrity" will be the watchword.

UN "Global Ethic" and "Rights"

Core values, the commissioners believe, will lead to a new "global ethic" and new "rights" -- the right to a secure life, a fair living, and equal access to the global commons. Again, noble phrases, but what do they mean?

"A secure life" is not just the absence of war, but protection from "harmful disruptions" such as hunger and repression as well. Therefore, the UN must, for the first time, extend its power to individuals, for "the security of people must be regarded as a goal as important as the security of states." A secure life also includes a secure planet. Accordingly, the UN must rein in human activity whenever it "imping[es] on the planet's basic life support systems." In that spirit the commissioners endorse the "precautionary principle" which would stop any human activity believed to cause environmental harm, whether scientifically valid or not.

The right to a "fair living" is tied to justice, equity and caring. The new paradigm, "global governance", is necessary, the commissioners assert, to equalize "extreme disparities of income."

"Equal access to the 'global commons'" -- defined as "the atmosphere, outer space, the oceans, and the life support systems that contribute to the support of human life"-- would be contingent on the UN's

permission and payment of user fees, taxes and royalties to the UN. Conversely, the UN would have free access to "life support systems" such as land whether publicly or privately held.

The Strengthened UN

From the commissioners viewpoint the Security Council should be expanded from 15 to 23 members, and the veto power of the permanent members (the US, UK, Russia, France and China) phased out. They also call for the creation of a highly trained, well equipped UN standing army. As a precautionary measure "the production and trade in arms should be controlled by the international community [the UN]."

A reorganized Trusteeship Council consisting of UN officials and "qualified members from civil society" would manage the global commons. "Civil society" in UN parlance consists of NGOs (nongovernment organizations), such as the Nature Conservancy, that have been accredited by the UN. (Only NGOs that advance the UN's agenda have been accredited.) Thus a handful of UN-approved environmentalists, for example, would sit on the council that virtually rules the galaxy (the global commons).

An Economic Security Council, an "Apex Body", is seen as necessary to provide "leadership in economic, social and environmental fields", to assess the world economy and to prepare a long term plan that would harmonize the policies of the World Bank, IMF, World Trade Organization and other institutions. Businesses that use the airwaves would be subject to the ESC. In fact, according to the commissioners, "the highest priority should be given to...overseeing the 'global information society' through a common regulatory approach." They urge the WTO to give preferential treatment to poor countries in license allocation and to write regulations to counter the influence of "national monopolies". Also the ESC would manage Third World debt to "wipe much of the slate clean." Further, it would facilitate the transfer of technology to developing countries, and establish immigration policies because governments use "highly bureaucratic regulations to control cross-border labour migration."

The commissioners also envision the creation of an "Assembly of the People" and a "Forum of Civil Society" for purposes not entirely clear. The Forum would be comprised of qualified representatives of accredited NGOs. The Assembly would be dominated by Third World representatives perhaps willing to apply the UN's core values of "justice, equity and caring" to the industrialized world.

To further empower the NGOs the commissioners recommend that "a new 'Right of Petition' [be made] available to international civil society [only]." A Council of Petitions of 5 to 7 persons appointed by the Secretary General and "independent of governments" would hold "in trust the 'security of the people' and make recommendations to the Secretary General, the Security Council and the General Assembly." Unaccountable local NGOs (such as the Pinelands Preservation Alliance in New Jersey) would bypass all elected officials and submit petitions directly to the Council for screening and forwarding to the "Apex Bodies" for action. (NGOs have already successfully used the petition tactic. In 1995 the Greater Yellowstone Coalition appealed to the UN just as a mining project two miles from Yellowstone was about to be approved. Based on UNESCO's ruling the Clinton Administration halted the approval process, thereby killing the project.)

Because "the very essence of global governance is the capacity of the international community to ensure compliance with the rules of society" another enforcement mechanism besides the UN standing army must be put in place. Accordingly, the UN International Law Commission (ILC) and the super-NGO, the International Union for the Conservation of Nature, are drafting international law. The commissioners anticipate that treaties will bind all nations to "accept compulsory jurisdiction of the World Court." The ILC has already prepared the foundation for a new International Criminal Court which "should have an independent prosecutor or panel of prosecutors...[who] would, of course...not seek or receive instructions from any government or other source."

The UN will need a lot more money, if global governance is to be realized. The commissioners suggest a \$2 per barrel tax on oil (rising to \$10) and a carbon tax or permits that "would yield very large revenues indeed." For use of the global commons they recommend surcharges on airline travel and marine transport, and fees for ocean fishing, satellites and the use of the electromagnetic spectrum. Finally they endorse the "increasingly relevant concept of global taxation."

"Political Pressure"

The commissioners warn that "populist action has the potential to strike down carefully crafted products of international deliberation." UN-accredited NGOs "expand democracy", they believe, but outsiders – the individuals the UN has deliberately excluded from "civil society" – could attempt to exert "political pressure" and thereby disrupt the plan for global governance.

The New Jersey Committee of Safety was co-founded by the Association Seeking to Preserve Individual Rights for Everyone (ASPIRE) and the New Jersey Militia. Membership is open to individuals and groups that actively defend the New Jersey and United States Constitutions. The Committee can be reached c/o 324 Atsion Rd., Shamong, NJ 08088; 609/654-8326. The Committee's web site is <http://www.committee.org/njcos>. NJM's site is <http://www.exit109.com/~njm>